

stituted for the words “the office for which he was found qualified”.

In subsection (d), the words “Notwithstanding the provisions of section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The words “Subject to subsection (a)(1) and (2)” are inserted, since 50:1115(a) (less last 39 words) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “in his reserve grade” are substituted for the words “in the same grade in which he is appointed as a Reserve officer of the appropriate Armed Force of the United States”. The last sentence is inserted for clarity.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307(a)	50:1349(b) (1st sentence).	Sept. 3, 1954, ch. 1257,
307(e)	50:1349(b) (less 1st sentence, and less 36th through 58th words of 2d sentence).	§ 519(b), 68 Stat. 1179.
307(f)	50:1349(b) (36th through 58th words of 2d sentence).	

In subsection (e), the words “to subsection (a)(1) and (2)” are inserted, since 50:1349(b) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “without the examination prescribed in section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The last 37 words are substituted for 50:1349(b) (last 29 words of 2d sentence; and last sentence).

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-337 struck out “and sections 8365 and 8366 of title 10” after “of this section”.

1980—Subsec. (g). Pub. L. 96-535 struck out subsec. (g) which prohibited extension of Federal recognition to members of the Virgin Islands National Guard in any grade above colonel.

1972—Subsec. (g). Pub. L. 92-492 added subsec. (g).

1958—Subsec. (a)(3). Pub. L. 85-861, §2(6)(A), substituted “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” for “subsection (d)”.

Subsecs. (e), (f). Pub. L. 85-861, §2(6)(B), added subsecs. (e) and (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

CROSS REFERENCES

Appointment of officers of Army National Guard and Air National Guard as Reserves for service as members of Army National Guard of United States and Air National Guard of United States, see sections 12211 and 12212 of Title 10, Armed Forces.

Extension of recognition upon promotion in Army National Guard of United States and Air National Guard of United States without examination, see section 14316 of Title 10.

Suspension of subsec. (e) of this section, see section 111 of this title.

Transfer of officers from Army National Guard of United States and Air Force National Guard of United States to Army Reserve and Air Force Reserve, see sections 12213 and 12214 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 308, 310 of this title; title 10 sections 14301, 14308, 14316.

§ 308. Federal recognition of officers: temporary recognition

(a) The Secretary of the Army may authorize the extension of temporary Federal recognition as an officer of the Army National Guard to any person who has passed the examination prescribed in section 307(b) of this title, pending his appointment as a reserve officer of the Army. The Secretary of the Air Force may do likewise for a person who has passed that examination pending his appointment as a reserve officer of the Air Force. Temporary recognition so extended may be withdrawn at any time. If not sooner withdrawn or replaced by permanent recognition upon appointment as a reserve officer in the same grade, it terminates six months after its effective date.

(b) To be eligible for temporary Federal recognition under subsection (a), a person must take an oath that during the period of temporary recognition he will perform his Federal duties as if he had been appointed as a reserve officer of the Army or the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 603.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
308(a)	50:1114 (less 2d and 3d sentences).	July 9, 1952, ch. 608, §704 (less 2d sentence), 66 Stat. 502.
308(b)	50:1114 (3d sentence).	

In subsection (a), the words “by regulations” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “as an officer of the Army National Guard to any person” are substituted for the words “to any officer of the National Guard or Air National Guard”. The second sentence is inserted for clarity. The words “successfully”, “final determination of his eligibility for, and”, “in the grade concerned”, and “automatically” are omitted as surplusage. 50:1114 (proviso of last sentence) is omitted as surplusage.

In subsection (b), the words “To be eligible for temporary Federal recognition under subsection (a), a person” are substituted for the words “However, a temporary extension of Federal recognition shall be granted only when the officer”. The words “the period of temporary recognition” are substituted for the words “such recognition”. The words “and obligations required of him” and “in the same grade” are omitted as surplusage.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1370.

§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

(Added Pub. L. 85-861, §2(7), Sept. 2, 1958, 72 Stat. 1543; amended Pub. L. 103-337, div. A, title XVI, §1630(1), Oct. 5, 1994, 108 Stat. 2963.)